IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.12685 of 2007

Between:

M/S.Britannia Industries Limited,
Jambag, Hyderabad, rep. by its
Regional Commercial & Finance Manager,
Mr.R.Ravichandran.

..... PETITIONER

and

1.The Assistant Commissioner (CT) FAC,
Abids Division, Hyderabad and another.

.....RESPONDENTS

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice S.Ananda Reddy

Writ Petition No.12685 of 2007

Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Heard the learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at this stage.

The petitioner was assessed and he preferred an appeal before the second respondent. Appeal is pending

and it has been heard finally on 18-06-2007. Along with the appeal, the petitioner has filed stay application which was heard on
28-05-2007. Still, no orders have been passed in the stay application. During the pendency of the proceedings, the petitioner claims to have paid more than 50% of the disputed amount.

The learned Counsel for the petitioner submits that pending the appeal and stay application, both of which have been heard, it is not fair on the part of the respondent-authorities to coerce him to pay the balance disputed tax.

We find considerable force in the argument made by the petitioner. Though the stay application has been heard as early as on 28-05-2007, no order has yet been passed. Now the stay application itself may not be necessary to be decided in view of the fact that the appeal has finally been heard on 18-06-2007. Therefore, we direct that no coercive measures be taken by the respondents-authorities for recovery of the balance disputed tax from the petitioner till the appeal is disposed of.

The Writ Petition is, accordingly, disposed of. No costs.

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(Bilal Nazki, J)

19th June, 2007

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(S.Ananda Reddy, J)

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